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**MAR 31 2014**

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March 28, 2014

**BY CERTIFIED MAIL**

Jerry Correll, President  
Safety-Kleen Systems, Inc.  
2600 N Central Expressway, Suite 400  
Richardson, TX 75080  
Certified Mail # 7012 2210 0001 3554 2997

Branch General Manager  
Safety-Kleen Systems, Inc.  
50A Brigham Street  
Marlborough, MA 01752  
Certified Mail # 7012 2210 0001 3554 2980

Re: 60-Day Notice of Violations and Intent to File Suit Regarding Noncompliance  
with Federal Clean Water Act's Industrial Stormwater Discharge Requirements:  
50A Brigham Street, Marlborough, Massachusetts

Dear Mr. Correll:

This office represents Clean Water Action, a national non-profit citizens' organization working for prevention of pollution in the nation's waters, protection of natural resources, creation of environmentally-safe jobs and businesses, and empowerment of people to make democracy work. Clean Water Action has over one million members nationally, more than 50,000 of whom reside in Massachusetts.

Safety-Kleen Systems, Inc. ("Safety-Kleen") submitted a Notice of Intent ("NOI") to be covered by EPA's reissued Multi-Sector General General Permit for Stormwater Discharges Associated with Industrial Activity ("General Permit") on January 28, 2009.<sup>1</sup> The company has violated and continues to violate the permit's terms and conditions.

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<sup>1</sup> The General Permit was first issued in 1995 and was reissued in 2000 and 2008. 60 Fed. Reg. 50804 (Sept. 29, 1995); 65 Fed. Reg. 64746 (Oct. 30, 2000); 73 Fed. Reg. 56572 (Sept. 29, 2008). The General Permit expired on September 29, 2013, but has been administratively continued by its own terms. See General Permit, pg. 9.

Safety-Kleen Systems, Inc.

3/28/2014

Page 2

We write to give notice that Clean Water Action intends to file a civil action in the United States District Court for the District of Massachusetts under section 505 of the Federal Clean Water Act (the “Act”) against Safety-Kleen. The subject of the action will be Safety-Kleen’s unlawful discharge of stormwater from its hazardous waste treatment, storage or disposal facility at 50A Brigham Street in Marlborough (the “Facility”). Stormwater runoff from the Facility is discharged into the City of Marlborough’s municipal storm drain system and then to the Sudbury Reservoir.

Activities that take place at industrial facilities, such as material handling and storage, are often exposed to the weather. As runoff from rain or snowmelt comes into contact with these materials, it picks up pollutants and transports them to nearby rivers, lakes, or coastal waters and tributaries thereto, including but not limited to storm sewer systems, wetlands, and other surface waters. Stormwater pollution is a significant source of water quality problems for the nation’s waters.

Clean Water Action will ask the Court to ensure Safety-Kleen’s future compliance with the Act, assess civil penalties in an appropriate amount,<sup>2</sup> award plaintiff its litigation costs, including attorney and expert fees, and award any other relief the Court deems appropriate. Clean Water Action’s complaint will be filed a minimum of 60 days after the postmark date of this letter. This is a formal 60-day notice of intent to sue that is being served pursuant to 40 C.F.R., Part 135.

This notice is being provided by:

Cindy Luppi, New England Regional Co-Director  
Clean Water Action  
262 Washington Street, Suite 301  
Boston, MA 02108  
(617) 338-8131  
(617) 335-6449 (fax)

Counsel for Clean Water Action in this case is:

Nora J. Chorover  
Stern, Shapiro, Weissberg & Garin, LLP  
90 Canal Street, Suite 500  
Boston, MA 02114  
(617) 742-5800  
(617) 742-5858 (fax)

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<sup>2</sup> The Act authorizes the Court to assess a penalty of up to \$37,500 per day of violation. See 73 Fed. Reg. 75340 (Dec. 11, 2008).

Safety-Kleen Systems, Inc.

3/28/2014

Page 3

## **SAFETY-KLEEN'S VIOLATIONS AND DATES OF VIOLATIONS**

Safety-Kleen's violations are described below and are also set forth on a Table attached as Exhibit A hereto.<sup>3</sup> The Complaint, when filed, will set forth additional days of violations that occur between the date of this letter and the date on which the Complaint is filed.

### **A. VIOLATIONS OF THE TERMS OF THE GENERAL PERMIT.**

The company has violated the permit's terms, as follows:

#### **1. Failure to Comply with the Permit's Monitoring Requirements**

Safety-Kleen is required to monitor its discharges in accordance with the specific provisions of section 6 of the General Permit (pgs. 33-40) and Appendix B, section B. This includes monitoring for benchmark parameters applicable to hazardous waste treatment, storage or disposal facilities. General Permit, section 8.K.5. Safety-Kleen was required to monitor for the presence of pollutants in its stormwater discharges for each quarter commencing with the April 1, 2009 to July 30, 2009 quarter. Quarterly monitoring is required to continue until four consecutive quarterly samples show that the company's discharges are below EPA benchmark levels.<sup>4</sup> Safety-Kleen failed to consistently comply with these benchmark parameter monitoring requirements for most of the quarters that it was covered by the permit, as set forth on Exhibit A. Safety-Kleen has conducted no benchmark monitoring at all since October 1, 2012.

The Stormwater Permit requires facilities to conduct routine facility inspections, quarterly visual assessments, and annual comprehensive site inspections.<sup>5</sup> Comprehensive site inspections must be completed no later than September 29<sup>th</sup> of each year of permit coverage. Safety-Kleen has failed to complete any annual inspections, as set forth on Exhibit A.

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<sup>3</sup> Clean Water Action believes that violations have occurred on the dates identified in this letter and on Exhibit A, and not just on rain days. However, to the extent it is determined that rain days are relevant in determining the dates of violations, such rain dates through March 17, 2014 are set forth on Exhibit B hereto. The complaint, when filed, will set forth additional rain dates since that date.

<sup>4</sup> Specifically, Safety-Kleen was required to monitor for Ammonia, Total Magnesium, Chemical Oxygen Demand, Total Arsenic, Total Cadmium, Total Cyanide, Total Lead, Total Mercury, Total Selenium, and Total Silver. See General Permit, section 8.K.5.

<sup>5</sup> Stormwater Permit, pgs. 20-25.

To the extent additional monitoring violations become known to Clean Water Action before the action is filed, the complaint will seek remedy for such additional monitoring violations. To the extent additional monitoring violations are learned through discovery in the action, the complaint will be amended to seek remedy for such additional monitoring violations.<sup>6</sup> Failure to Comply with the Permit's Reporting Requirements.

Safety-Kleen is required to report certain information to EPA and the Massachusetts Department of Environmental Protection ("Mass DEP") regarding its stormwater discharges in accordance with the provisions of section 7 of the Permit. Among other things, Safety-Kleen must submit quarterly benchmark monitoring data to EPA. See General Permit, section 7.1.<sup>7</sup> Benchmark pollutant monitoring reports were to have been filed with EPA 30 days following receipt of monitoring results. Safety-Kleen failed to comply with these reporting requirements during most of the quarters that it has been subject to the permit, as set forth on Exhibit A. Safety-Kleen has submitted no behchmark monitoring reports at all to EPA since October 1, 2012.

Safety-Kleen is also required to prepare and submit to EPA annual reports that include findings from its annual comprehensive site inspections and documentation of corrective actions. See General Permit, section 7.2. Safety-Kleen failed to submit annual report to EPA during the years it has been subject to the permit, as set forth on Exhibit A.

To the extent additional reporting violations become known to Clean Water Action before the action is filed, the complaint will seek remedy for such additional reporting violations. To the extent additional reporting violations are learned through discovery in the action, the complaint will be amended to seek remedy for such additional reporting violations.<sup>8</sup>

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<sup>6</sup> Additional discovered monitoring violations may include, without limitation: failure to ensure representative sampling (General Permit, App. B, section B(1)(A), pg. B-5); failure to monitor from all facility outfalls (id., section 6.1.1, pg. 33); failure to monitor during a measurable storm event following the preceding storm by at least 3 days (id., section 6.1.3, pg. 33); failure to conduct monitoring in accordance with test procedures approved under 40 CFR Part 136 (id., App. B, section B(10), pg. B-6); or failure to sample within the first 30 minutes of a measurable storm event (id., section 6.1.4, pg. 34).

<sup>7</sup> If the data contains any exceedences of benchmarks, it must also be submitted to Mass DEP. See General Permit, Section 9.1.2.4.

<sup>8</sup> Additional discovered reporting violations may include, without limitation, failure to submit all reporting data to EPA no later than 30 days after receipt of laboratory results (General Permit, section 7.1).

Safety-Kleen Systems, Inc.

3/28/2014

Page 5

**2. Failure to Ensure That Control Measures Minimize Pollutant Discharges**

The General Permit requires Safety-Kleen to ensure that its control measures minimize its stormwater pollutant discharges. General Permit, section 2.0 (pg. 12).<sup>9</sup> The company must modify its control measures as expeditiously as practicable whenever it finds that they “are not achieving their intended effect of minimizing pollutant discharges.” Id., section 2.1. Because the company has not been regularly monitoring its pollutant discharges as required by the permit, it cannot know how its existing control measures are performing and therefore cannot have been modifying them as necessary to minimize stormwater pollutant discharges. In addition, in each and every quarter in which Safety-Kleen did conduct benchmark monitoring, it found significant exceedences of EPA benchmark limits, particularly the benchmarks for Total Magnesium, Total Silver and Chemical Oxygen Demand.

This Notice Letter alleges that Safety-Kleen failed to implement adequate control measures based on information presently available to Clean Water Action. If additional information regarding this violation becomes known to Clean Water Action in the future, the complaint may set forth some or all of such additional information.

**CONCLUSION**

Clean Water Action believes this Notice of Violations and Intent to File Suit sufficiently states the basis for a civil action. During the 60-day notice period, we would be willing to discuss effective remedies for the violations noted in this letter that may avoid the necessity of litigation. If you wish to pursue such discussions, please have your attorney contact us within the next 20 days so that negotiations may be completed before the end of the 60-day notice period. We do not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,



Nora J. Chorover  
Attorney for  
CLEAN WATER ACTION

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<sup>9</sup> “Minimize” means “reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.” Id.

Safety-Kleen Systems, Inc.

3/28/2014

Page 6

cc: (by certified mail)

Curt Spalding, Regional Administrator  
EPA New England, Region 1,  
5 Post Office Square, Ste. 100  
Boston MA 02109  
Certified Mail # 7012 2210 0001 3554 2973

Gina McCarthy, Administrator  
US EPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20460  
Certified Mail # 7012 2210 0001 3554 3291

Eric Holder, Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001  
Certified Mail # 7012 2210 0001 3554 3307

David W. Cash, Commissioner  
Massachusetts Department of Environmental Protection  
One Winter Street  
Boston, MA 02108  
Certified Mail # 7012 2210 0001 3554 3314

CT Corporation System  
Registered Agent for Service of Process for  
Safety-Kleen Systems, Inc.  
155 Federal Street, Suite 700  
Boston, MA 02110  
Certified Mail # 7012 2210 0001 3554 0351

# **EXHIBIT A**

**EXHIBIT A**  
**SAFETY-KLEEN'S PERMIT VIOLATIONS**

Quarter	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
2	Failure to Monitor Benchmark	Ammonia	September 30, 2009	The present
2	Failure to Report Benchmark	Ammonia	October 30, 2009	The present
2	Failure to Monitor Benchmark	Total Magnesium	September 30, 2009	The present
2	Failure to Report Benchmark	Total Magnesium	October 30, 2009	The present
2	Failure to Monitor Benchmark	Chemical Oxygen Demand	September 30, 2009	The present
2	Failure to Report Benchmark	Chemical Oxygen Demand	October 30, 2009	The present
2	Failure to Monitor Benchmark	Total Arsenic	September 30, 2009	The present
2	Failure to Report Benchmark	Total Arsenic	October 30, 2009	The present
2	Failure to Monitor Benchmark	Total Cadmium	September 30, 2009	The present
2	Failure to Report Benchmark	Total Cadmium	October 30, 2009	The present
2	Failure to Monitor Benchmark	Total Cyanide	September 30, 2009	The present
2	Failure to Report Benchmark	Total Cyanide	October 30, 2009	The present
2	Failure to Monitor Benchmark	Total Lead	September 30, 2009	The present
2	Failure to Report Benchmark	Total Lead	October 30, 2009	The present
2	Failure to Monitor Benchmark	Total Mercury	September 30, 2009	The present
2	Failure to Report Benchmark	Total Mercury	October 30, 2009	The present
2	Failure to Monitor Benchmark	Total Selenium	September 30, 2009	The present
2	Failure to Report Benchmark	Total Selenium	October 30, 2009	The present
2	Failure to Monitor Benchmark	Total Silver	September 30, 2009	The present
2	Failure to Report Benchmark	Total Silver	October 30, 2009	The present
3	Failure to Monitor Benchmark	Ammonia	December 31, 2009	The present
3	Failure to Report Benchmark	Ammonia	January 30, 2010	The present
3	Failure to Monitor Benchmark	Total Magnesium	December 31, 2009	The present
3	Failure to Report Benchmark	Total Magnesium	January 30, 2010	The present
3	Failure to Monitor Benchmark	Chemical Oxygen Demand	December 31, 2009	The present
3	Failure to Report Benchmark	Chemical Oxygen Demand	January 30, 2010	The present
3	Failure to Monitor Benchmark	Total Arsenic	December 31, 2009	The present

Quarter	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
3	Failure to Report Benchmark	Total Arsenic	January 30, 2010	The present
3	Failure to Monitor Benchmark	Total Cadmium	December 31, 2009	The present
3	Failure to Report Benchmark	Total Cadmium	January 30, 2010	The present
3	Failure to Monitor Benchmark	Total Cyanide	December 31, 2009	The present
3	Failure to Report Benchmark	Total Cyanide	January 30, 2010	The present
3	Failure to Monitor Benchmark	Total Lead	December 31, 2009	The present
3	Failure to Report Benchmark	Total Lead	January 30, 2010	The present
3	Failure to Monitor Benchmark	Total Mercury	December 31, 2009	The present
3	Failure to Report Benchmark	Total Mercury	January 30, 2010	The present
3	Failure to Monitor Benchmark	Total Selenium	December 31, 2009	The present
3	Failure to Report Benchmark	Total Selenium	January 30, 2010	The present
3	Failure to Monitor Benchmark	Total Silver	December 31, 2009	The present
3	Failure to Report Benchmark	Total Silver	January 30, 2010	The present
6	Failure to Monitor Benchmark	Ammonia	September 30, 2010	The present
6	Failure to Report Benchmark	Ammonia	October 30, 2010	The present
6	Failure to Monitor Benchmark	Total Magnesium	September 30, 2010	The present
6	Failure to Report Benchmark	Total Magnesium	October 30, 2010	The present
6	Failure to Monitor Benchmark	Chemical Oxygen Demand	September 30, 2010	The present
6	Failure to Report Benchmark	Chemical Oxygen Demand	October 30, 2010	The present
6	Failure to Monitor Benchmark	Total Arsenic	September 30, 2010	The present
6	Failure to Report Benchmark	Total Arsenic	October 30, 2010	The present
6	Failure to Monitor Benchmark	Total Cadmium	September 30, 2010	The present
6	Failure to Report Benchmark	Total Cadmium	October 30, 2010	The present
6	Failure to Monitor Benchmark	Total Cyanide	September 30, 2010	The present
6	Failure to Report Benchmark	Total Cyanide	October 30, 2010	The present
6	Failure to Monitor Benchmark	Total Lead	September 30, 2010	The present
6	Failure to Report Benchmark	Total Lead	October 30, 2010	The present
6	Failure to Monitor Benchmark	Total Mercury	September 30, 2010	The present
6	Failure to Report Benchmark	Total Mercury	October 30, 2010	The present
6	Failure to Monitor Benchmark	Total Selenium	September 30, 2010	The present
6	Failure to Report Benchmark	Total Selenium	October 30, 2010	The present

Quarter	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
6	Failure to Monitor Benchmark	Total Silver	September 30, 2010	The present
6	Failure to Report Benchmark	Total Silver	October 30, 2010	The present
8	Failure to Monitor Benchmark	Ammonia	March 31, 2011	The present
8	Failure to Report Benchmark	Ammonia	April 30, 2011	The present
8	Failure to Monitor Benchmark	Total Magnesium	March 31, 2011	The present
8	Failure to Report Benchmark	Total Magnesium	April 30, 2011	The present
8	Failure to Monitor Benchmark	Chemical Oxygen Demand	March 31, 2011	The present
8	Failure to Report Benchmark	Chemical Oxygen Demand	April 30, 2011	The present
8	Failure to Monitor Benchmark	Total Arsenic	March 31, 2011	The present
8	Failure to Report Benchmark	Total Arsenic	April 30, 2011	The present
8	Failure to Monitor Benchmark	Total Cadmium	March 31, 2011	The present
8	Failure to Report Benchmark	Total Cadmium	April 30, 2011	The present
8	Failure to Monitor Benchmark	Total Cyanide	March 31, 2011	The present
8	Failure to Report Benchmark	Total Cyanide	April 30, 2011	The present
8	Failure to Monitor Benchmark	Total Lead	March 31, 2011	The present
8	Failure to Report Benchmark	Total Lead	April 30, 2011	The present
8	Failure to Monitor Benchmark	Total Mercury	March 31, 2011	The present
8	Failure to Report Benchmark	Total Mercury	April 30, 2011	The present
8	Failure to Monitor Benchmark	Total Selenium	March 31, 2011	The present
8	Failure to Report Benchmark	Total Selenium	April 30, 2011	The present
8	Failure to Monitor Benchmark	Total Silver	March 31, 2011	The present
8	Failure to Report Benchmark	Total Silver	April 30, 2011	The present
10	Failure to Monitor Benchmark	Ammonia	September 30, 2011	The present
10	Failure to Report Benchmark	Ammonia	October 30, 2011	The present
10	Failure to Monitor Benchmark	Total Magnesium	September 30, 2011	The present
10	Failure to Report Benchmark	Total Magnesium	October 30, 2011	The present
10	Failure to Monitor Benchmark	Chemical Oxygen Demand	September 30, 2011	The present
10	Failure to Report Benchmark	Chemical Oxygen Demand	October 30, 2011	The present
10	Failure to Monitor Benchmark	Total Arsenic	September 30, 2011	The present
10	Failure to Report Benchmark	Total Arsenic	October 30, 2011	The present

Quarter	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
10	Failure to Monitor Benchmark	Total Cadmium	September 30, 2011	The present
10	Failure to Report Benchmark	Total Cadmium	October 30, 2011	The present
10	Failure to Monitor Benchmark	Total Cyanide	September 30, 2011	The present
10	Failure to Report Benchmark	Total Cyanide	October 30, 2011	The present
10	Failure to Monitor Benchmark	Total Lead	September 30, 2011	The present
10	Failure to Report Benchmark	Total Lead	October 30, 2011	The present
10	Failure to Monitor Benchmark	Total Mercury	September 30, 2011	The present
10	Failure to Report Benchmark	Total Mercury	October 30, 2011	The present
10	Failure to Monitor Benchmark	Total Mercury	September 30, 2011	The present
10	Failure to Report Benchmark	Total Mercury	October 30, 2011	The present
10	Failure to Monitor Benchmark	Total Selenium	September 30, 2011	The present
10	Failure to Report Benchmark	Total Selenium	October 30, 2011	The present
10	Failure to Monitor Benchmark	Total Silver	September 30, 2011	The present
10	Failure to Report Benchmark	Total Silver	October 30, 2011	The present
12	Failure to Monitor Benchmark	Ammonia	March 31, 2012	The present
12	Failure to Report Benchmark	Ammonia	April 30, 2012	The present
12	Failure to Monitor Benchmark	Total Magnesium	March 31, 2012	The present
12	Failure to Report Benchmark	Total Magnesium	April 30, 2012	The present
12	Failure to Monitor Benchmark	Chemical Oxygen Demand	March 31, 2012	The present
12	Failure to Report Benchmark	Chemical Oxygen Demand	April 30, 2012	The present
12	Failure to Monitor Benchmark	Total Arsenic	March 31, 2012	The present
12	Failure to Report Benchmark	Total Arsenic	April 30, 2012	The present
12	Failure to Monitor Benchmark	Total Cadmium	March 31, 2012	The present
12	Failure to Report Benchmark	Total Cadmium	April 30, 2012	The present
12	Failure to Monitor Benchmark	Total Cyanide	March 31, 2012	The present
12	Failure to Report Benchmark	Total Cyanide	April 30, 2012	The present
12	Failure to Monitor Benchmark	Total Mercury	March 31, 2012	The present
12	Failure to Report Benchmark	Total Mercury	April 30, 2012	The present
12	Failure to Monitor Benchmark	Total Mercury	March 31, 2012	The present
12	Failure to Report Benchmark	Total Mercury	April 30, 2012	The present
12	Failure to Monitor Benchmark	Total Selenium	March 31, 2012	The present
12	Failure to Report Benchmark	Total Selenium	April 30, 2012	The present
12	Failure to Monitor Benchmark	Total Silver	March 31, 2012	The present

Quarter	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
12	Failure to Report Benchmark	Total Silver	April 30, 2012	The present
13	Failure to Monitor Benchmark	Ammonia	June 30, 2012	The present
13	Failure to Report Benchmark	Ammonia	July 30, 2012	The present
13	Failure to Monitor Benchmark	Total Magnesium	June 30, 2012	The present
13	Failure to Report Benchmark	Total Magnesium	July 30, 2012	The present
13	Failure to Monitor Benchmark	Chemical Oxygen Demand	June 30, 2012	The present
13	Failure to Report Benchmark	Chemical Oxygen Demand	July 30, 2012	The present
13	Failure to Monitor Benchmark	Total Arsenic	June 30, 2012	The present
13	Failure to Report Benchmark	Total Arsenic	July 30, 2012	The present
13	Failure to Monitor Benchmark	Total Cadmium	June 30, 2012	The present
13	Failure to Report Benchmark	Total Cadmium	July 30, 2012	The present
13	Failure to Monitor Benchmark	Total Cyanide	June 30, 2012	The present
13	Failure to Report Benchmark	Total Cyanide	July 30, 2012	The present
13	Failure to Monitor Benchmark	Total Lead	June 30, 2012	The present
13	Failure to Report Benchmark	Total Lead	July 30, 2012	The present
13	Failure to Monitor Benchmark	Total Mercury	June 30, 2012	The present
13	Failure to Report Benchmark	Total Mercury	July 30, 2012	The present
13	Failure to Monitor Benchmark	Total Selenium	June 30, 2012	The present
13	Failure to Report Benchmark	Total Selenium	July 30, 2012	The present
13	Failure to Monitor Benchmark	Total Silver	June 30, 2012	The present
13	Failure to Report Benchmark	Total Silver	July 30, 2012	The present
15	Failure to Monitor Benchmark	Ammonia	December 31, 2012	The present
15	Failure to Report Benchmark	Ammonia	January 30, 2013	The present
15	Failure to Monitor Benchmark	Total Magnesium	December 31, 2012	The present
15	Failure to Report Benchmark	Total Magnesium	January 30, 2013	The present
15	Failure to Monitor Benchmark	Chemical Oxygen Demand	December 31, 2012	The present
15	Failure to Report Benchmark	Chemical Oxygen Demand	January 30, 2013	The present
15	Failure to Monitor Benchmark	Total Arsenic	December 31, 2012	The present
15	Failure to Report Benchmark	Total Arsenic	January 30, 2013	The present
15	Failure to Monitor Benchmark	Total Cadmium	December 31, 2012	The present

Quarter	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
1.5	Failure to Report Benchmark	Total Cadmium	January 30, 2013	The present
1.5	Failure to Monitor Benchmark	Total Cyanide	December 31, 2012	The present
1.5	Failure to Report Benchmark	Total Cyanide	January 30, 2013	The present
1.5	Failure to Monitor Benchmark	Total Lead	December 31, 2012	The present
1.5	Failure to Report Benchmark	Total Lead	January 30, 2013	The present
1.5	Failure to Monitor Benchmark	Total Mercury	December 31, 2012	The present
1.5	Failure to Report Benchmark	Total Mercury	January 30, 2013	The present
1.5	Failure to Monitor Benchmark	Total Mercury	December 31, 2012	The present
1.5	Failure to Report Benchmark	Total Selenium	January 30, 2013	The present
1.5	Failure to Monitor Benchmark	Total Selenium	December 31, 2012	The present
1.5	Failure to Report Benchmark	Total Silver	January 30, 2013	The present
1.5	Failure to Monitor Benchmark	Total Silver	December 31, 2012	The present
1.5	Failure to Report Benchmark	Total Silver	January 30, 2013	The present
1.6	Failure to Monitor Benchmark	Ammonia	March 31, 2013	The present
1.6	Failure to Report Benchmark	Ammonia	April 30, 2013	The present
1.6	Failure to Monitor Benchmark	Total Magnesium	March 31, 2013	The present
1.6	Failure to Report Benchmark	Total Magnesium	April 30, 2013	The present
1.6	Failure to Monitor Benchmark	Chemical Oxygen Demand	March 31, 2013	The present
1.6	Failure to Report Benchmark	Chemical Oxygen Demand	April 30, 2013	The present
1.6	Failure to Monitor Benchmark	Total Arsenic	March 31, 2013	The present
1.6	Failure to Report Benchmark	Total Arsenic	April 30, 2013	The present
1.6	Failure to Monitor Benchmark	Total Cadmium	March 31, 2013	The present
1.6	Failure to Report Benchmark	Total Cadmium	April 30, 2013	The present
1.6	Failure to Monitor Benchmark	Total Cyanide	March 31, 2013	The present
1.6	Failure to Report Benchmark	Total Cyanide	April 30, 2013	The present
1.6	Failure to Monitor Benchmark	Total Lead	March 31, 2013	The present
1.6	Failure to Report Benchmark	Total Lead	April 30, 2013	The present
1.6	Failure to Monitor Benchmark	Total Mercury	March 31, 2013	The present
1.6	Failure to Report Benchmark	Total Mercury	April 30, 2013	The present
1.6	Failure to Monitor Benchmark	Total Selenium	March 31, 2013	The present
1.6	Failure to Report Benchmark	Total Selenium	April 30, 2013	The present
1.6	Failure to Monitor Benchmark	Total Silver	March 31, 2013	The present
1.6	Failure to Report Benchmark	Total Silver	April 30, 2013	The present

Quarter	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
17	Failure to Monitor Benchmark	Ammonia	June 30, 2013	The present
17	Failure to Report Benchmark	Ammonia	July 30, 2013	The present
17	Failure to Monitor Benchmark	Total Magnesium	June 30, 2013	The present
17	Failure to Report Benchmark	Total Magnesium	July 30, 2013	The present
17	Failure to Monitor Benchmark	Chemical Oxygen Demand	June 30, 2013	The present
17	Failure to Report Benchmark	Chemical Oxygen Demand	July 30, 2013	The present
17	Failure to Monitor Benchmark	Total Arsenic	June 30, 2013	The present
17	Failure to Report Benchmark	Total Arsenic	July 30, 2013	The present
17	Failure to Monitor Benchmark	Total Cadmium	June 30, 2013	The present
17	Failure to Report Benchmark	Total Cadmium	July 30, 2013	The present
17	Failure to Monitor Benchmark	Total Cyanide	June 30, 2013	The present
17	Failure to Report Benchmark	Total Cyanide	July 30, 2013	The present
17	Failure to Monitor Benchmark	Total Lead	June 30, 2013	The present
17	Failure to Report Benchmark	Total Lead	July 30, 2013	The present
17	Failure to Monitor Benchmark	Total Mercury	June 30, 2013	The present
17	Failure to Report Benchmark	Total Mercury	July 30, 2013	The present
17	Failure to Monitor Benchmark	Total Selenium	June 30, 2013	The present
17	Failure to Report Benchmark	Total Selenium	July 30, 2013	The present
17	Failure to Monitor Benchmark	Total Silver	June 30, 2013	The present
17	Failure to Report Benchmark	Total Silver	July 30, 2013	The present
18	Failure to Monitor Benchmark	Ammonia	September 30, 2013	The present
18	Failure to Report Benchmark	Ammonia	October 30, 2013	The present
18	Failure to Monitor Benchmark	Total Magnesium	September 30, 2013	The present
18	Failure to Report Benchmark	Total Magnesium	October 30, 2013	The present
18	Failure to Monitor Benchmark	Chemical Oxygen Demand	September 30, 2013	The present
18	Failure to Report Benchmark	Chemical Oxygen Demand	October 30, 2013	The present
18	Failure to Monitor Benchmark	Total Arsenic	September 30, 2013	The present
18	Failure to Report Benchmark	Total Arsenic	October 30, 2013	The present
18	Failure to Monitor Benchmark	Total Cadmium	September 30, 2013	The present
18	Failure to Report Benchmark	Total Cadmium	October 30, 2013	The present

Quarter	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
18	Failure to Monitor Benchmark	Total Cyanide	September 30, 2013	The present
18	Failure to Report Benchmark	Total Cyanide	October 30, 2013	The present
18	Failure to Monitor Benchmark	Total Lead	September 30, 2013	The present
18	Failure to Report Benchmark	Total Lead	October 30, 2013	The present
18	Failure to Monitor Benchmark	Total Mercury	September 30, 2013	The present
18	Failure to Report Benchmark	Total Mercury	October 30, 2013	The present
18	Failure to Monitor Benchmark	Total Selenium	September 30, 2013	The present
18	Failure to Report Benchmark	Total Selenium	October 30, 2013	The present
18	Failure to Monitor Benchmark	Total Silver	September 30, 2013	The present
18	Failure to Report Benchmark	Total Silver	October 30, 2013	The present
19	Failure to Monitor Benchmark	Ammonia	September 30, 2013	The present
19	Failure to Report Benchmark	Ammonia	October 30, 2013	The present
19	Failure to Monitor Benchmark	Total Magnesium	September 30, 2013	The present
19	Failure to Report Benchmark	Total Magnesium	October 30, 2013	The present
19	Failure to Monitor Benchmark	Chemical Oxygen Demand	September 30, 2013	The present
19	Failure to Report Benchmark	Chemical Oxygen Demand	October 30, 2013	The present
19	Failure to Monitor Benchmark	Total Arsenic	September 30, 2013	The present
19	Failure to Report Benchmark	Total Arsenic	October 30, 2013	The present
19	Failure to Monitor Benchmark	Total Cadmium	September 30, 2013	The present
19	Failure to Report Benchmark	Total Cadmium	October 30, 2013	The present
19	Failure to Monitor Benchmark	Total Cyanide	September 30, 2013	The present
19	Failure to Report Benchmark	Total Cyanide	October 30, 2013	The present
19	Failure to Monitor Benchmark	Total Lead	September 30, 2013	The present
19	Failure to Report Benchmark	Total Lead	October 30, 2013	The present
19	Failure to Monitor Benchmark	Total Mercury	September 30, 2013	The present
19	Failure to Report Benchmark	Total Mercury	October 30, 2013	The present
19	Failure to Monitor Benchmark	Total Selenium	September 30, 2013	The present
19	Failure to Report Benchmark	Total Selenium	October 30, 2013	The present
19	Failure to Monitor Benchmark	Total Silver	September 30, 2013	The present
19	Failure to Report Benchmark	Total Silver	October 30, 2013	The present

<b>Quarter</b>	<b>Type of Violation</b>	<b>Parameter</b>	<b>Beginning Date of Violation</b>	<b>Earliest End Date of Violation</b>
Permit Year 1	Failure to Conduct and Document Required Inspections		September 29, 2009	The present
Permit Year 1	Failure to Submit Annual Report		November 13, 2009	The present
Permit Year 2	Failure to Conduct and Document Required Inspections		September 29, 2010	The present
Permit Year 2	Failure to Submit Annual Report		November 13, 2010	The present
Permit Year 3	Failure to Conduct and Document Required Inspections		September 29, 2011	The present
Permit Year 3	Failure to Submit Annual Report		November 13, 2011	The present
Permit Year 4	Failure to Conduct and Document Required Inspections		September 29, 2012	The present
Permit Year 4	Failure to Submit Annual Report		November 13, 2012	The present
Permit Year 5	Failure to Conduct and Document Required Inspections		September 29, 2013	The present
Permit Year 5	Failure to Submit Annual Report		November 13, 2013	The present
	Failure to Implement Adequate Control Measures and/or Corrective Action	All	July 1, 2009	The present

Permit Year 1	Failure to Conduct and Document Required Inspections		September 29, 2009	The present
Permit Year 1	Failure to Submit Annual Report		November 13, 2009	The present
Permit Year 2	Failure to Conduct and Document Required Inspections		September 29, 2010	The present
Permit Year 2	Failure to Submit Annual Report		November 13, 2010	The present
Permit Year 3	Failure to Conduct and Document Required Inspections		September 29, 2011	The present
Permit Year 3	Failure to Submit Annual Report		November 13, 2011	The present
Permit Year 4	Failure to Conduct and Document Required Inspections		September 29, 2012	The present
Permit Year 4	Failure to Submit Annual Report		November 13, 2012	The present
Permit Year 5	Failure to Conduct and Document Required Inspections		September 29, 2013	The present
Permit Year 5	Failure to Submit Annual Report		November 13, 2013	The present

# **EXHIBIT B**

**EXHIBIT B**

DAYS BETWEEN  
JULY 1, 2009 AND MARCH 17, 2014  
ON WHICH STORMWATER FROM FACILITY  
DISCHARGED TO WATERS OF THE UNITED STATES

July 2009:	2, 3, 8, 9, 12, 18, 22, 24, 27, 31
August 2009:	1, 12, 21, 22, 23, 24, 25, 29, 30
September 2009:	12, 13, 27, 28, 29
October 2009:	4, 7, 8, 10, 14, 16, 18, 19, 24, 25, 28, 29
November 2009:	1, 14, 15, 20, 21, 24, 27, 28
December 2009:	1, 3, 6, 9, 10, 14, 20, 21, 27, 28
January 2010:	2, 3, 18, 20, 26
February 2010:	17, 24, 25, 26, 27
March 2010:	1, 14, 15, 16, 23, 24, 29, 30, 31
April 2010:	1, 10, 16, 17, 18, 19, 28
May 2010:	8, 9, 15, 19, 20, 27, 30
June 2010:	2, 4, 5, 7, 10, 11, 13, 23, 25
July 2010:	11, 14, 17, 20, 24
August 2010:	6, 23, 24, 25, 26
September 2010:	4, 8, 14, 17, 28, 29, 30
October 2010:	2, 4, 6, 7, 15, 16,
November 2010:	5, 6, 8, 9, 10, 10, 17, 26, 26
December 2010:	2, 13, 23, 27
January 2011:	12, 13, 15, 19, 21, 21, 22, 27
February 2011:	2, 3, 6, 8, 19, 25, 26, 27
March 2011:	1, 7, 11, 12, 17, 22
April 2011:	1, 2, 5, 13, 14, 17, 20, 21, 24
May 2011:	5, 9, 15, 16, 17, 18, 19, 20, 21
June 2011:	2, 10, 11, 12, 18, 23, 24, 25, 26, 29
July 2011:	9, 14, 15, 23, 26, 30
August 2011:	3, 7, 8, 10, 11, 15, 16, 20, 26, 28, 29
September 2011:	6, 8, 9, 16, 22, 24, 29, 30
October 2011:	1, 4, 5, 13, 14, 15, 17, 20, 27, 28, 30
November 2011:	11, 17, 23, 24, 30
December 2011:	7, 8, 16, 22, 23, 28
January 2012:	12, 13, 17, 20, 22, 24, 27, 28,
February 2012:	16, 25
March 2012:	1, 2, 3, 4, 13, 17,
April 2012:	2, 23, 24
May 2012:	1, 2, 8, 9, 10, 15, 16, 22, 23, 30
June 2012:	2, 3, 5, 8, 9, 13, 14, 23, 24, 26
July 2012:	3, 29

August 2012:	2, 6, 11, 15, 16, 18, 29
September 2012:	5, 9, 19, 23, 29
October 2012:	3, 8, 11, 15, 16, 20, 30, 31
November 2012:	8, 14, 28
December 2012:	8, 9, 10, 17, 18, 19, 21, 22, 27, 28, 30
January 2013:	16, 17, 29, 31
February 2013:	1, 9, 12, 20, 24, 25, 27, 28
March 2013:	7, 8, 9, 13, 19, 20
April 2013:	1, 11, 13, 20
May 2013:	9, 10, 12, 13, 20, 22, 24
June 2013:	3, 7, 8, 11, 12, 14, 19, 25, 28
July 2013:	2, 11, 24, 26
August 2013:	2, 10
September 2013:	3, 11, 13, 22
October 2013:	5, 6, 7
November 2013:	1, 2, 8, 18, 27, 28
December 2013:	2, 7, 10, 15, 18, 24, 30
January 2014:	2, 3, 6, 7, 12, 15, 19
February 2014:	4, 5, 6, 14, 16, 19, 20, 21, 22
March 2014:	13